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9
10 *Chairman of the Executive Committee*
11 *for the Direct Purchaser Plaintiffs*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 IN RE OPTICAL DISK DRIVE
16 ANTITRUST LITIGATION

Case No. 3:10-md-02143 RS

MDL No. 2143

17 This Document Relates to:
18 ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF DEREK SMITH RE
RESIDUAL DISTRIBUTION TO APPROVED
CLAIMANTS FROM THE NET
SETTLEMENT FUNDS**

1 I, Derek Smith, declare as follows:

2 1. I am employed by KCC Class Action Services, LLC, formerly Gilardi & Co
3 (together "KCC"), located at One McInnis Pkwy, Suite 250, San Rafael, California. KCC was
4 hired by Class Counsel as the Settlement Administrator in this matter. I am over 21 years of age
5 and am not a party to this action. I have personal knowledge of the facts set forth herein and, if
6 called as a witness, could and would testify competently thereto.

7 2. I make this declaration in connection with Direct Purchaser Plaintiffs' Notice of
8 Second Post-Distribution Accounting following the residual distribution of the Net Settlement
9 Funds to approved claimants.

10 3. On February 4, 2022, KCC caused 138 checks, one of which included a corrective
11 payment of \$51,853.78, in the aggregate amount of \$296,096.56 to be issued to the 138 approved
12 claimants, as authorized by the Court's Order Granting Direct Purchaser Plaintiffs' Motion for
13 Order Authorizing Distribution of Remaining Settlement Funds and Cy Pres Distribution of Future
14 Remaining Funds, dated September 2, 2021. The checks were issued by USPS first class mail. The
15 average amount was \$2,145.63. The median amount was \$231.08. The largest amount was
16 \$52,205.48. And the smallest amount was \$10.46.¹

17 4. As of the date of this declaration, 79 checks in the aggregate amount of \$207,217.77
18 have been cashed, leaving 59 checks (42.75% of total checks issued) in the aggregate amount of
19 \$88,878.79 uncashed (30.02% of the total amount issued). The void date of all checks is May 5,
20 2022.

21
22 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
23 correct, and that this declaration was executed this 25th day of February 2022.

24
25
26 
DEREK SMITH

27
28 ¹ The smallest payment is one cent greater than originally calculated due to rounding.